IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 6803 of 2007(I)

PETITIONER:

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1. BABU. V., KALLUKANDATHIL KIZHAKKECHIRA, PALACE WARD, KAYAMKULAM.

2. CHANDRIKA B., KUZHIVILA HOUSE, PARASSUVAKKAL, PARASSALA.

3. SREEKUMARY. V., KEETHAVATHU HOUSE, VETTUVENI, HARIPAD.

4. N.K. BHUVANACHANDRAN, NIKARTHIL HOUSE, POLLETHAI, S.L.PURAM, ALAPPUZHA.

5. ABDUL SAMAD. A., PAPPALIYIL, PONNAD P.O., MANNANCHERY, ALAPPUZHA.

6. MOHANKUMAR. S.K., KALLIYITTAVILA, SATHYAVILASOM BUNGLOW, POOVAR, PUTHIYATHURA P.O., THIRUVANANTHAPURAM.

7. VARGHESE ANTONY, ARUPUTHICHIRA, PACHA, CHEKKIKKAD, EDATHUA, ALAPPUZHA.

8. AHAMAD KOYA, KOTTAYATTU THAZHATHU HOUSE, FAROOKH COLLEGE RD., RAMANATTUKARA, KOZHIKODE DISTRICT.

9. SUMESH. K., KARIMBIL HOUSE, ARIKKULAM, VAKAMOLI P.O., URALLAR, KOYILANDY.

10. SHIBU P.P., KANJIRAKKANDIYIL, THURAVANOOR P.O., KOZHIKODE DISTRICT.

11. ROY CHANDY, THADIKOOTTIL,
NELLIKUZHI P.O., KOTHAMANGALAM.

BY ADV. SRI.P.SREEKUMAR
SRI.K.S.MANU (PUNUKKONNOOR)

RESPONDENTS:
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1. STATE OF KERALA, REP. BY THE
SECRETARY, SOCIAL WELFARE DEPARTMENT
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY, PERSONNEL AND
ADMINISTRATIVE DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY GOVT.PLEADER SRI.BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J

W.P.(C)NO. 6803 of 2007

Dated this the 16th day of March, 2007

JUDGMENT

The petitioners 1 to 11 are physically challenged persons having 40% disability. They were appointed in different categories of posts in various departments. The date of their joining duty is shown against their names as under:

1)	Babu.V.	22/3/1999
2)	Chandrika.B.	24/2/1999
3)	Sreekumary.V.	28/4/1999
4)	N.K.Bhuvanachandran	19/7/1999
5)	Abdul Samad	19/7/1999
6)	Mohankumar S.K.	11/3/1999
7)	Varaghese Antony	19/7/1999
8)	Ahmad Koya	8/4/1999
9)	Sumesh K.	15/5/1999
10)	Shibu P.P.	12/4/1999

11) Roy Chandy 20/2/1999

2. The relief prayed for by the petitioners is for reappointment on regular basis in terms of Ext.P3 Government order. Request made by the petitioners for reappointment was not considered favourably by the respondents stating that they did not complete 179 days in between 15.8.1998 and 15.8.1999. A Division Bench of this Court in the judgment in Writ Appeal No.1601/2006 has held that even in cases where a portion of the temporary service falls beyond 15.8.1999, such employees also are entitled to the benefit of Ext.P3 G.O. provided their first appointment was in between 15/8/1998 and 15.8.1999 and provided also that they had completed the requisite period of service.

3. In the light of the above Bench decision, the petitioners are entitled to succeed. Hence the following reliefs are granted:

(i) The first respondent, or for that matter, the competent authority shall issue orders reappointing the petitioners in the respective posts or against the suitable posts in similar categories in terms of Ext.P3 G.O.

(ii) This shall be done within two months from the date of receipt of a copy of the judgment. Ext.P5 order is quashed.

The writ petition is allowed as above. The petitioners shall produce a copy of the judgment before the Government for information and compliance.

K.K.DENESAN, JUDGE

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